THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24405 of 2001

Dated: 11.07.2006

Between
Kolluru Chandra Sekhar Rao

…..Petitioner

and

1.The Registrar of Coop.Societies,
Govt of Andhra Pradesh, Hyderabad.
and others.

….Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.24405 of 2001

ORDER:

This writ petition is filed seeking a Mandamus declaring the action of the respondents in not taking any action against the sales officer who was appointed on 23.8.1999 for conducting the sale to discharge the petitioner's claim with interest and also not considering the representation dated 10.03.2000 made to the 1st respondent Registrar of Societies, Gruhakalpa, Hyderabad as illegal and arbitrary.

It is the case of the petitioner that he worked in the State Bank of India and retired on 31.3.1994. While in service in the year 1982, the petitioner joined in the ACOBICO Cooperative Housing Society Limited with registered No.TAB-445. The said society was intended to allot plots for the members of the society/bank employees. The petitioner joined as a member in 1982 and deposited an amount of Rs.30,650/-. Subsequently, he approached the 4th respondent for allotment of the house plot, but it was not allotted. He is entitled to 'A' category plot. Therefore, the petitioner demanded the 4th respondent to allot plot or return the money with interest. When there was no response, the petitioner raised a dispute under Section 61 of the AP Cooperative Societies Act of 1964. After hearing both the sides, the Arbitrator passed an award on 15.10.1996 in ARC No.8 of 1996. In pursuance to the same the Deputy Registrar (Housing),

2nd respondent issued proceedings on 31.1.1997 directing the then CSR/Personal In-charge of the society to pursue his case and implement the award. But the same was not considered. The 3rd respondent is solely responsible for not making payment of the amount though he got the power and sufficient funds and therefore, he is liable to pay the same. On 24.5.1997, the petitioner filed an EP. But the same was not forwarded to the 2nd respondent for execution of the Award claiming an amount of Rs.1,59,699.25 and the said EP is still pending. No action is taken till today. Hence, the writ petition.

The 2nd respondent filed a detailed counter stating that he is authorized under Section 70 of the Act to execute the award to recover the money and steps are being taken to recover the amount from the 4th respondent society.

But the learned counsel for the petitioner contends that till date, no recovery is made.

In view of the above, the 2nd respondent is directed to execute the EP filed by the petitioner as promised by him in his counter within a period of three months from the date of receipt of a copy of this Order. Otherwise, this Court view the matter seriously and may initiate contempt proceedings against him.

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11.07.2006

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